

## **PROHIBITIONS**

District employees who have discretionary responsibilities regarding contracts, purchases, payments, claims, or other pecuniary transactions may not solicit, accept, or agree to accept any pecuniary benefits from any person or firm known to be interested in, or likely to become interested in, such transactions.

District employees may not solicit, accept, or receive a pecuniary benefit as payment for services, advice, assistance or conduct customarily exercised in the course of their official duties.

The prohibitions described herein do not apply to trivial benefits not to exceed the value of fifty dollars (\$50) incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality.

## **EMPLOYEE GIFTS**

*While recognizing that the actions of other individuals or organizations cannot be controlled, it is the intent of the district to discourage individuals or organizations from presenting gifts to school employees except in recognition of special occasions or special services rendered to the school or community. Any gift from an individual, individual's family or business of an employee of the district shall not exceed \$50.00 in value per school year. District employees are encouraged to refuse to accept any gift that would tend to place them or the district in a compromised position or otherwise be a conflict of interest as defined in Idaho law.*

*Except for small promotional items, no gift may be accepted from a business concern supplying, or with an interest in supplying, goods, materials or equipment to district schools. Acceptance of a gift or contribution will not imply an endorsement of any business, products, or services.*

*District employees are prohibited from soliciting funds on any district premises or at any school-sponsored activity, regardless of location, for any cause other than those approved by the superintendent, principal or designee. The selling of merchandise to students and colleagues is prohibited except in cases where such sales have been approved in advance by the superintendent or designee.*

*The board prohibits compulsory participation by district students, employees or patrons in fundraising activities.*

~~District employees who have discretionary responsibilities regarding contracts, purchases, payments, claims, or other pecuniary transactions may not solicit, accept, or agree to accept any pecuniary benefits from any person or firm known to be interested in such transactions. This policy does not apply to trivial benefits not to exceed the value of fifty dollars (\$50) incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality.~~

*Discipline for violation of this policy may involve actions up to, and including, dismissal.*



**LEGAL REFERENCE:**

Idaho Code Sections

18-1351 through 18-1360 – Bribery and Corrupt Influence

~~18-1356~~ 74-401 *et seq.* – Ethics in Government

~~18-1359~~

~~18-1360~~

**ADOPTED:**

**AMENDED:**

An employee in District No. 55 will be given a full year of employment experience if the employee successfully works at least ~~95~~ **81** contiguous working days within Blackfoot School District No. 55. The ~~95~~ **81** day contiguous employment in-district shall apply to all ~~190~~ **161** day contract employees.

An employee in a one-half (1/2) time teaching position will receive a full year of experience as a one-half (1/2) time teacher if he or she works at least ~~95~~ **81** contiguous days in District No. 55 in that position.

An employee will receive a full year of experience on the salary schedule when their employment equals at least ~~95~~ **81** contiguous days on a full-time equivalency basis. An employee in a two-thirds (2/3) time position will receive a full year experience as a two-thirds (2/3) teacher if he or she works at least ~~95~~ **81** contiguous days in District No. 55 in that position.

Employees working more than ~~190~~ **161** days shall work at least one-half of their scheduled contract days in-district to receive credit for a full year of experience. District No. 55 will give a full year of employment experience on the salary schedule for out-of-district experience only if the out-of-district experience is a full year of experience for teachers (180days); 10 months for administrators (210 days), nine months (190 days) for non-certificated positions, or 12 months for full-time (12 months) non-certificated positions.

District No. 55 will not give a year of experience for in or out-of-district experience if the employee is absent for sick leave ~~80~~ **68** or more days of work in a given year.

Summer school teaching experience cannot count towards teaching experience applicable towards movement on the salary schedule.



**LEGAL REFERENCE:**

Idaho Code Section 33-506

**ADOPTED:** March 27, 1997

**REVIEWED:** January 21, 2016

This district will follow all requirements set forth in the Fair Labor Standards Act (FLSA) **and its implementing regulations**. Pursuant to the FLSA, all exempt employees of the district shall be paid ~~a~~ on a salary basis, which means that the employee regularly receives a predetermined amount of compensation each pay period. This predetermined amount may not be reduced because of variations in the quality or quantity of the employee's work. ~~and no additional compensation will be paid for hours worked in excess of 40 in a given workweek by an exempt employee.~~ Exempt employees are not subject to the minimum wage or the overtime requirements of the FLSA and will not be paid for hours worked in excess of 40 in any workweek. The salary for an exempt employee will be set forth in the annual employment contract.

## **DEFINITIONS**

**“Exempt Employees”** means those employees excluded from the overtime provisions of the FLSA, including all employees employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools) or as computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees. Exempt employees are paid a monthly salary.

**“Safety Rule of Major Significance”** means those district policies relating to the prevention of serious danger in the workplace or to other employees.

**“Salary”** means a predetermined monetary amount constituting all or part of an exempt employee's compensation.

**“Teacher”** means any employee with the primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in this district. Employees who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching.

**“Workweek”** consists of five consecutive days during a seven-day period. In this district, the regular workweek begins at *midnight Saturday and ends at midnight the following Saturday, although a regular work schedule is generally based on a Monday through Friday week.*

## **DEDUCTIONS IN SALARY**

The district is authorized to take deductions from an exempt employee's salary **without jeopardizing the employee's exempt status**. Deductions may occur under ~~in~~ the following circumstances:

1. An exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability, and the employee has no accumulated personal leave.

2. An exempt employee is absent for one or more full days due to sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability, and the employee has no accumulated sick leave. Deductions for such full day absences may also be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance under such plan, policy or practice.
3. An exempt employee violates any safety rule of major significance and the board in good faith imposes such a deduction in pay as a disciplinary action.
4. An exempt employee violates district rules or is otherwise disciplined pursuant to Idaho Code §33-513, and the board imposes an unpaid disciplinary suspension of one or more full days. Such suspensions will be imposed pursuant to written board policies applicable to all district employees.
5. The district will not pay exempt employees for any workweek in which they perform no work. The district will pay a proportionate share of an exempt employee's full salary for the time actually worked in the first and last week of employment, basing the payment on an hourly or daily equivalent of the employee's full salary for the time actually worked.
6. Exempt employees on unpaid leave, pursuant to the Family and Medical Leave Act, will be paid a proportionate share of their full salary for time actually worked.
7. The district may offset any amounts received by an exempt employee for jury fees, witness fees, or military pay against the salary due for that particular workweek.
8. The district will make other deductions from the exempt employee's salary, as authorized in writing by the employee or ordered by a court of competent jurisdiction.

When calculating the amount of a deduction, the district may use the hourly or daily equivalent of the exempt employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules may be made in any amount.

In addition to the foregoing, exempt employees who accrue personal leave and sick leave may have their pay reduced or may be placed on unpaid leave for absences due to personal reasons of less than one (1) fully day when leave is not used by the employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. The employee's accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

The provisions provided in this policy do not require a deduction if an employee has applicable leave available under the district's leave policies.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

It is the intent of this district that all salaried employees are properly compensated. ~~This district will not allow improper pay deductions to occur.~~ The board recognizes that with limited legally permissible exceptions as described herein, no deductions should be taken from the salaries of exempt employees. In the event an exempt employee feels that an improper pay deduction has occurred, the employee may file a written complaint with the *payroll office*. The *payroll office* shall review the matter, and determine whether an improper pay deduction occurred. In the event it is determined that an improper deduction did occur, the employee shall be reimbursed the proper amount in his/her next regularly scheduled paycheck.

*This policy shall be distributed to employees upon initial hire and to all employees on an annual basis.*



**LEGAL REFERENCE:**

Fair Labor Standards Act  
29 CFR ~~§Section~~-541, *et seq.*

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

\_\_\_\_\_ School District No. \_\_\_\_\_ may adopt curricular materials consistent with district policy, ~~Idaho Code Section §33-512A, Idaho Code,~~ and the contents standards as established by the Idaho State Board of Education (SBOE) in subject areas offered by the district for which materials are not covered by the state curriculum materials committee.

The district will have available to the public the titles, authors, and publishers of all ~~textbooks~~ **curricular materials** being used in the district. The public has the right to inspect the instructional materials, except students' tests, used in this district's schools.

**Purchases of c**urricular materials are exempt from **public** bidding requirements.

## DEFINITION

"Curricular materials" means textbook and instructional media including software, audio/visual media, and internet resources.

## STATE APPROVED MATERIALS

The SBOE ~~has prescribed~~ the minimum courses to be taught in all public elementary and secondary schools. ~~The board is required to have and prepares~~ and ~~issues~~ such syllabi, study guides, and other instructional aids as ~~the board~~ it will from time to time deem necessary. The ~~board-SBOE will~~ also determines how and under what regulations curricular materials will be adopted for the public schools.

The SBOE ~~will~~ requires all publishers of textbooks approved for use to furnish the ~~D~~epartment of ~~E~~ducation with electronic format for literary and nonliterary subjects when electronic formats become available for nonliterary subjects, in a standard format approved by the ~~board~~SBOE, from which reproductions can be made for use by the blind.

The SBOE adopts curricular materials (textbooks) **for a period of six (6) years** in the following subject matters: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, **physical education**, handwriting, literature, driver education, and limited English proficiency.

## CURRICULAR MATERIALS ADOPTION COMMITTEE

Curricular materials for courses offered by the district for which materials are not covered by the state curriculum materials **adoption** committee may be selected by a district curricular materials committee appointed by the board of trustees.

In the event the board of trustees elects to appoint a district curricular materials committee, ~~one-fourth-half~~ (1/24) of the committee members will be persons who are not public educators or

school trustees and shall include parents of a child or children attending a school or schools within the school district. All meetings of the committee will be open to the public and any member of the public may attend such a meeting and file written or make oral objections to any ~~textbook~~-curricular materials under consideration.

**CONTROVERSIAL MATERIALS**

*The teacher, prior to presenting curriculum materials of a possibly controversial nature, will review the matter with the building principal. If it is determined that the material is potentially controversial, but is an effective method of addressing some aspect of the curriculum, the teacher and principal will determine what notification should be provided to the parent/guardian.*

*An alternative lesson will be made available for students whose parents/guardians notify the school that they do not want their student exposed to the material. The alternative lesson will substitute for the planned lesson.*



**LEGAL REFERENCE:**

Idaho Code Sections

33-118 – Courses of Study – Curricular Materials

33-118A – Curricular Materials – Adoption Procedures

33-512 – Governance of Schools

33-512A – District Curricular Materials Adoption Committees

33-601(2) – Real and Personal Property (exception for curricular materials from bidding requirements)

IDAPA 08.02.03.128 – Curricular Materials Selection and Online Course Approval

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*



Blackfoot School District No. 55 is an open enrollment district and tuition will be waived for out-of-district students who attend this district’s schools pursuant to the terms of this policy.

**APPLICATION**

This district will take no action to prohibit or prevent application by its students to attend school at another district or to attend another school within this district.

A student’s parent/guardian must apply annually for admission to a school in this district or to another school within this district on a form provided by the Idaho State Department of Education (SDE). The application, accompanied by the student’s accumulative record, must be submitted to this district by February 1 for enrollment during the following school year. The notice of application must also be given to the home district.

*The superintendent or designee will review and accept or deny the applications. This district will notify the applicant within sixty (60) days. If the request for enrollment in this district or enrollment in another school is denied, the denial will include a written explanation. The denial of an application for open enrollment is not appealable to the board.*

Upon agreement between the home school district and this district, or between the affected schools within this district, the deadline for applications may be waived.

**HARDSHIP**

The district will receive and admit students transferring from outside of the district whose tuition is paid by the district in which the student resides, or waived by this district or other legal obligation, except when such transfer would constitute a hardship on this district or the receiving school within this district.

The district may deny out-of-district student enrollment for circumstances that constitute a hardship including, but not limited to, enlarged student-teacher ratios; overcapacity of any program, class, grade level, or building; or to protect the health, safety, and welfare of its existing students and/or its educational processes.

This district is concerned about its class size and the effect enlargement of the student-teacher ratios will have upon the educational program. Therefore, this district has determined that admission of students in excess of the following ratios would work a hardship on the district, its teachers, staff, students, and educational program:

<u>Grade</u>	<u>Ratio</u>
K-3	20:1
4-6	26:1
7-12	160 students per teacher per day
Exceptional Students	12:1

*Alternative School (7-12) 18 average daily class load*

The district will not consider previous academic achievement, athletic or other extracurricular ability, disabling conditions, or proficiency in the English language in the acceptance or rejection of applications for out-of-district students.

**COURT ORDERED STUDENT PLACEMENT**

Non-resident students who are placed by court order under provisions of the Idaho juvenile corrections or child protective acts and reside in licensed homes, agencies, and institutions will be received and admitted by the school district in which the facility is located without payment of tuition.

**HOMELESS STUDENTS**

Homeless children and youth as defined by the McKinney-Vento Homeless Assistance Act may attend any school district or school within a district without payment of tuition when it is determined to be in the best interest of that child.

**TRANSPORTATION**

For those students attending this district's schools from out-of-district, the parent/guardian will be responsible for transporting the student to and from the school or to an appropriate bus stop within this district. For those students attending another school, rather than their assigned school within this district, the parent/guardian is responsible for transporting the student to an appropriate bus stop.

**PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

No student will gain eligibility to participate in extracurricular activities in violation of policies governing eligibility as a result of enrollment option transfer to this district.

**INELIGIBLE STUDENTS**

If a student applies and is accepted in this district from out of district, but fails to attend, that student will be ineligible to apply again for an enrollment option in this district.

A student who has been suspended, expelled, or may otherwise be lawfully denied enrollment is ineligible for enrollment in this district pursuant to the provisions of this policy.



**LEGAL REFERENCE:**

Idaho Code Sections

33-205 – Denial of School Attendance

33-1002B – Pupil Tuition-Equivalency Allowances

33-1401, *et seq.* – Transfer of Pupils

IDAPA 08.02.02.110 – Personnel Standards

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

The board of trustees recognizes the benefits to the district of applying for ~~f~~Federal Impact Aid funds, ~~which are available through Title VIII to supplement taxes and other revenue sources,~~ which are authorized by Title VII of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA). Impact Aid is designed to assist local school districts that have lost property tax revenue due to the presence of tax-exempt federal property, or that have experienced increased expenditures due to the enrollment of federally connected children, including children living on Indian lands, military bases or other federal properties. As a condition of applying for ~~Federal~~ Impact Aid Funds, the district will comply with all ~~Title VIII~~ requirements of federal law and regulations, including seeking the input of the parents of ~~eligible Indian~~ children and Indian tribes.

“Eligible children” shall include those children residing on Indian lands, military bases, low-~~rent~~ income housing properties, and other federal properties and those children whose parents are in the uniformed services or employed on eligible federal properties who do not live on federal property.

### **ELIGIBILITY**

The district is eligible to receive Impact Aid funding if it has (1) at least 400 eligible students in its Average Daily Attendance (ADA); or (2) at least three percent (3%) of all children in its ADA are eligible. The number and percentage of eligible students in the district is a critical factor in determining how much Impact Aid the district may receive each year.

### **ANNUAL SURVEY**

In order to receive Impact Aid funding, the district is required to collect specific information each year to verify its eligible students. For each student, this information includes both enrollment information (such as name, birth date and school) and residence and parent employment information (including, but not limited to, student address if on federal property; name and address of the federal property on which a parent is employed; and name, rank and branch of service of a parent who is a member of the uniformed services on active duty). The form must be signed and dated by the parent supplying the information. Information on the form is used only for purposes of submitting the district’s Impact Aid application and is subject to the district’s student privacy policy, as well as federal and state laws protecting the privacy of students and families.

### **ADVISORY CONSULTATION AND INPUT FROM INDIAN TRIBES AND PARENTS OF INDIAN CHILDREN**

As a part of the annual review of school programming and prior to the annual budget review meeting of the board of trustees, the district shall seek the advisory consultation and input of parents of ~~eligible-Indian~~ children and ~~officials of~~ relevant Indian tribes to assist in planning and development of programs and activities. ~~In particular, the district will:~~

1. Disseminate relevant applications, evaluations, program plans and information related to the district’s education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations.
2. Provide an opportunity for tribes and parents of Indian children to provide their views on the district’s educational program and activities, including recommendations on the needs of their children and on how the district may help those children realize the benefits of the district’s education programs and activities. As part of this requirement, the district will:
  - a. Notify tribes and the parents of Indian children of the opportunity to submit comments and recommendations, considering the tribe’s preference for method of communication; and
  - b. Modify the method of and time for soliciting Indian views, if necessary, to ensure the maximum participation of tribes and parents of Indian children.
3. At least annually, assess the extent to which Indian children participate on an equal basis with non-Indian children in the district’s education program and activities. As part of this requirement, the district will:
  - a. Share relevant information related to Indian children’s participation in the district’s education program and activities with tribes and parents of Indian children; and
  - b. Allow tribes and parents of Indian children the opportunity and time to review and comments on whether Indian children participate on an equal basis with non-Indian children.
4. Modify its Indian policies and procedures, if necessary, based upon the results of any assessment or input provided by tribes and parents of Indian children.
5. Respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children, and disseminate the responses to the tribes or parents of Indian children prior to the submission of the district’s Indian policies and procedures by the district.
6. Provide a copy of the district’s Indian policies and procedures annually to the affected tribe or tribes.

~~The board will afford the parents of eligible children and Indian tribes the opportunity to present recommendations on the needs of eligible children and how the district may help the children realize the benefits of the Federal Impact Aid funding.~~

A record of this input and consultation shall be retained, including documentation of all recommendations; written district responses to the comments, concerns and recommendations

Indian tribal officials and parents of eligible children; dates of hearings or meetings held; and names and addresses of parents attending.

If the district determines, after input from the tribe and parents of Indian children, that its Indian policies and procedures do not comply with this policy or federal law and regulations, the district will amend its Indian policies and procedures to conform to those requirements within ninety (90) days of its determination. Amendments to the district’s Indian policies and procedures will be disseminated to the federal Impact Aid Program Director for approval and to the affected tribe or tribes, within thirty (30) days.

**WAIVER**

The board may seek a written waiver from Indian tribal officials of the requirement for consultation and input from an Indian tribe if it is determined that such opportunity is not necessary as the tribe is satisfied with the district’s provision of educational services to Indian children.

**USE OF ~~FEDERAL~~-IMPACT AID**

~~Federal~~ Impact Aid is to be used to supplement education programs for all students enrolled in the district, regardless of whether they qualify as eligible children. Such funds may be used in the sound discretion of the board.



**LEGAL REFERENCE:**

- 20 U.S.C. §7703 – Payments for eligible federally connected children
- 20 USC §7704 – Policies and procedures relating to children residing on Indian Lands
- 34 CFR ~~§222.94~~**Part 222 – Impact Aid Programs**

**ADOPTED:**  
**AMENDED:**

This district has an interest in establishing a work environment free from the influence of drugs and alcohol for the benefit of its drivers, students and the public. This policy is adopted to ensure that the district's transportation drivers are free from the effects of drugs and alcohol while at work or on district business. Questions pertaining to this policy will be directed to the superintendent or his or her designee.

## **DEFINITIONS**

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

Alcohol concentration (or content): The alcohol in a volume of breath expressed in terms of grams per alcohol per 210 liters of breath as indicated by an evidential breath test (EBT).

Alcohol use: The ~~consumption~~ drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

Confirmation alcohol test: A second test using an EBT, following a screening test with a result of point zero two (0.02) or greater, that provides quantitative data of alcohol concentration.

Confirmation drug test: ~~For controlled substances testing, confirmation test means a~~ second analytical procedure ~~performed on a urine specimen~~ to identify and quantify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principal from that of the initial test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Controlled substance: The substances identified in federal regulations (49 CFR Part 40) which must be tested for, including: marijuana, cocaine, opioids, phencyclidine (PCP) and amphetamines.

Covered employee: Any employee that is subject to the alcohol and drug testing requirements of 49 CFR 382 or this policy.

Covered position: One that is subject to the alcohol and drug testing requirements of 49 CFR 382 or this policy.

Designated employer representative (DER): An individual identified by the district as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required

decisions in the testing and evaluation process. For purposes of this policy, the DER is the superintendent or designee(s).

**Driver:** Any person operating a school bus or other commercial motor vehicle owned or operated by the district. This includes full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

**Medical review officer (MRO):** A licensed physician responsible for receiving laboratory results generated by the district’s drug testing program who has knowledge of substance abuse disorders, possesses a certificate of completion or certification from an approved MRO program and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

**Performing (a safety sensitive function):** A driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

**Positive drug test:** A drug test that is confirmed by G.C./M.S. technology at or above the cut-off levels established by the U.S. Department of Health and Human Services (DHHS). These cut-off levels may change from time to time depending upon DHHS rules. The district will always test at the currently required DHHS levels. The district will attempt to notify covered employees if these levels change. Currently, the cut-off levels, expressed in nanograms per milliliters (ng/mL), are:

<b>Drug</b>	<b>Screening Level</b>	<b>Confirmation Level</b>
Marijuana	50	15
Cocaine	150	100
Opioids		
Codeine and Morphine	2000	2000
6-acetylmorphine (6-AM)	10	10
Hydrocodone/Hydromorphone	300	100
Oxycodone/Oxymorphone	100	100
Phencyclidine (PCP)	25	25
Amphetamines		
Methamphetamines	500	250
MDMA, MDA, MDEA	500	250

**Refusal to submit** (to an alcohol or controlled substances test): Means that a driver:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the district, consistent with applicable federal motor carrier safety regulations, after being directed to do so by the district;



2. Fails to remain at the testing site until the testing process is complete, provided that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
3. Fails to provide a urine specimen for any required drug test, provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the district/contractor or collector has directed the driver to take;
7. Fails to undergo a medical examination of evaluation, as directed by the MRO as part of the verification process. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process; or
9. Is reported by the MRO as having a verified adulterated or substituted test result.

Safety-sensitive function (also known as "on-duty time"): All time from the time a bus driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at a district/contractor facility or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the district/contractor;
2. All time inspecting equipment as required by federal motor carrier safety regulations or otherwise inspecting, servicing, or conditioning any school bus or other commercial motor vehicle at any time;
3. All time spent at the driving controls of a school bus or other commercial motor vehicle in operation;

4. All time repairing, obtaining assistance, or remaining in attendance upon a disabled school bus or other commercial motor vehicle;
5. All time, other than driving time, in or upon any school bus or other commercial motor vehicle;
6. All time loading or unloading a school bus or other commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle; or
7. All time spent performing the requirements relating to accidents.

Screening (or initial) test: In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs. In alcohol testing, an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen.

Refusal to submit to an alcohol or controlled substances test means that a driver:

- ~~1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the district, consistent with applicable federal motor carrier safety regulations, after being directed to do so by the district;~~
- ~~2. Fails to remain at the testing site until the testing process is complete, provided that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;~~
- ~~3. Fails to provide a urine specimen for any required drug test, provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test;~~
- ~~4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver’s provision of a specimen;~~
- ~~5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;~~
- ~~6. Fails or declines to take a second test the district/contractor or collector has directed the driver to take;~~
- ~~7. Fails to undergo a medical examination of evaluation, as directed by the medical review officer (MRO) as part of the verification process. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;~~

~~8. Fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process; or~~

~~9. Is reported by the MRO as having a verified adulterated or substituted test result.~~

## **PROHIBITED CONDUCTIONS**

A bus driver for this district will not:

1. Report to duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of point zero four (0.04) or greater.
2. Be on duty or operate a school bus while in possession of alcohol.
3. Use alcohol while performing safety-sensitive functions.
4. Perform safety-sensitive functions within four (4) hours after using alcohol.
5. ~~For drivers required to take a post-accident alcohol test pursuant to 49 CFR 382 or this policy, U~~use alcohol for eight (8) hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. Refuse to submit to a pre-employment controlled substances test, post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, a return-to-duty alcohol or controlled substances test, or a follow-up alcohol or controlled substances test.
7. Report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substances identified in 21 CFR 1308.11 Schedule I. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance, except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that the substance does not adversely affect the driver's ability to safely operate a school bus.
8. Report for duty, remain on duty, or perform a safety-sensitive function if he/she tests positive for controlled substances or has adulterated or substituted a test specimen for controlled substances.

## **DISTRICT RESPONSIBILITIES**

The district will not allow, require, permit or authorize a driver to operate a school bus ~~or other commercial motor vehicle~~ during any period in which the district determines that a driver is not

in compliance with any return-to-duty requirements as may be set forth in this policy or federal motor carrier safety regulations after the occurrence of any of the following events:

1. The driver receives a positive, adulterated, or substitute drug test result;
2. The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration;
3. The driver refused to submit to a test for drugs or alcohol as required herein;
4. The driver used alcohol prior to a post-accident alcohol test in violation of the prohibitions set forth herein; or
5. The district has actual knowledge that a driver has (i) used alcohol while performing safety-sensitive functions; (ii) used alcohol within four (4) hours of performing safety-sensitive functions; or (iii) used a controlled substance.

## **REQUIREMENT TO SUBMIT TO ALCOHOL AND CONTROLLED SUBSTANCE TESTING**

Any covered employee subject to testing under the requirements of 49 CFR 382 or this policy and procedures must submit to being tested for alcohol and/or controlled substances immediately, or as soon as possible, upon notification to do so by his or her supervisor or other designated employer representative. Failure to immediately report for a test will, in most cases, result in the driver being deemed as refusing to submit which carries the same consequences as a positive controlled substances test or an alcohol test with a concentration of 0.04 or greater. In most cases, refusals to be tested will result in immediate termination.

## **REQUIRED TESTING**

### **Pre-employment Testing**

~~Prior to the first time a driver performs any safety sensitive functions, all prospective bus drivers (whether a new employee or someone who has transferred to a position involving the performance of safety sensitive functions) will undergo testing for alcohol and controlled substances as a condition prior to being used. The test results from the pre employment testing must show an alcohol concentration of less than point zero four (0.04), and a 1. All applicants for employment in a covered position, or promotion into a covered position, will be informed that their employment into a covered position is contingent upon passing a test for controlled substances. Successfully passing the test requires a controlled substances test result indicating a verified negative result before a bus driver will be allowed to operate a school bus verified negative controlled substances test. Applicants and transfers into covered positions will not be permitted to operate district school buses or other commercial vehicles until the district has received the verified negative test results.~~

2. *All applicants and transfers into covered positions will also be required to undergo pre-employment alcohol testing before the first performance of safety-sensitive functions. Pre-employment alcohol tests will be conducted according to the procedures set forth herein after the district has made a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test. Applicants and transfers will not be permitted to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.*

3. Refusal to test by any applicant and/or employee for a covered position will result in the individual not being hired into that position. An applicant or employee who leaves for any reason after the collection has commenced will be deemed to have refused to test, which results in the same consequences as a positive test. A refusal will be reported to the FMCSA Clearinghouse and negatively affect the applicant's or employee's license for up to five (5) years.

~~Prior to any driver performing safety sensitive functions for the district, the district will ask the driver whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two (2) years. If the driver admits that he or she had a positive test or a refusal to test, the district will not permit the driver to perform any safety sensitive functions until and unless the driver documents successful completion of the return to duty process set forth in this policy.~~

### ~~Baseline Testing~~

~~This district requires all bus drivers to submit to testing for the presence of alcohol and/or controlled substances within thirty (30) days after the effective date of this policy.~~

### Post-accident Testing

As soon as practicable following an accident involving a school bus ~~or other commercial motor vehicle~~, the bus driver operating the ~~bus-vehicle~~ involved in the accident will be tested for alcohol and controlled substances if:

1. The accident involved the loss of human life;
2. The driver receives a citation within eight (8) hours of the occurrence of the accident ~~(for controlled substance testing, testing will occur if the driver receives a citation within thirty two (32) hours of the occurrence of the accident)~~ under state or local law for a moving traffic violation arising from the accident, if the accident involved:
  - (i) ~~personal-bodily~~ injury to another person who, as a result of the injury, immediately required medical treatment away from the scene of the accident; or
  - (ii) one or more vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The following table summarizes when post-accident testing is required:

Type of accident involved	Citation issued to bus driver	Test must be performed by district
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

A bus driver involved in a work-related accident requiring medical attention will inform his or her supervisor as soon as possible after the accident. Any needed alcohol or controlled substances tests may be promptly conducted in conjunction with his or her medical treatment. A bus driver who is injured in a work-related accident and is unable to provide a specimen for testing will authorize the release of relevant hospital reports or other documentation indicating the presence, or lack of, alcohol or controlled substances at the time of the accident. A driver who is subject to post-accident testing who does not remain readily available for such testing may be deemed by the district to have refused to submit to testing.

~~A bus driver subject to post-accident testing will remain readily available for such testing or may be deemed by the school district to have refused to submit to testing.~~

~~If a post-accident test for alcohol will beis not administered within two (2) hours following the accident-, the district will prepare and maintain on file a record stating the reasons the test was not promptly administeredif possible. No test for alcohol will be administered after eight (8) hours following the accident. If a post-accident test for alcohol is not administered within eight (8) hours following the accident, the district will cease attempts to administer an alcohol test and will prepare and maintain the same records.~~

~~If a post-accident controlled substance test will beis not administered within thirty-two (32) hours following the accident, the district will cease attempts to administer the test, and prepare and maintain on file a record stating the reasons the test was not promptly administered.~~

If it is determined by the district’s administration that a bus driver’s accident was caused solely by unsafe conditions or by the actions of a third party, the school district reserves the right to waive post-accident testing unless the accident involved the loss of human life or the bus driver received a citation for a moving traffic violation arising from the accident. Post-accident testing will not be required where (i) the occurrence involves only boarding or alighting from a stationary school bus; or (ii) the occurrence involves only the loading or unloading of cargo from the school bus.

The district will provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a school bus or other commercial motor vehicle, so that drivers will be able to comply with the requirements of this policy.

### **Random Testing**

A random test is a test that is unannounced and results in every bus driver having an equal chance of being selected for testing at any given time. ~~The random selection method used by this district will consist of placing all drivers' names into a hat and a name will be pulled out at intervals chosen by the superintendent or his or her designee. Such random testing may result in a driver being tested more than once a year.~~The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. .

The minimum annual percentage rates for random alcohol and controlled substances testing are set, and can be modified, by the Federal Motor Carrier Safety Administration (FMCSA). The required testing rates are based on the average number of driver positions in the whole random pool. ~~will be ten (10) percent of the average number of bus driver positions. The minimum annual percentage rate for random controlled substances testing will be twenty five (25) percent of the average number of bus driver positions. The minimum annual percentage rates set forth may change based upon the Federal Motor Carrier Safety Administration's yearly minimum annual percentage rates.~~The random selection and testing dates will be unannounced and spread reasonably throughout the year, with each employee having an equal chance of being tested each time the random selections are made.

Each bus driver notified that he/she has been selected for random alcohol and/or controlled substances testing will immediately go to the testing site; provided, however, that if the bus driver is performing a safety-sensitive function, other than driving a school bus, at the time of the notification, the driver will cease performing the safety-sensitive function and proceed to the testing site as soon as possible.

A bus driver will only be tested for alcohol while the driver is performing safety-sensitive functions, just before the bus driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

### **Reasonable Suspicion Testing**

A bus driver will be required to submit to an alcohol test and/or a controlled substances test when the district has reasonable suspicion to believe that the bus driver has violated the prohibitions in this policy. The district's determination that reasonable suspicion exists to require the bus driver to undergo an alcohol and/or controlled substances test will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the bus driver. For reasonable suspicion controlled substances testing purposes, such observations may include indications of the chronic and withdrawal effects of controlled substances.

Such observations will be made by a supervisor or district official having received a minimum of sixty (60) minutes of training on alcohol misuse and a minimum of sixty (60) minutes of training on controlled substance use. Said training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. The individual making the determination that reasonable suspicion exists will not conduct such tests.

A reasonable suspicion alcohol test is authorized only if the observations are made during, just preceding, or just after the period of the workday that the bus driver is required to be in compliance with this policy. A driver may be directed by the district to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

~~If an alcohol test required by this section is not administered within Reasonable suspicion alcohol testing will be performed within two (2) hours following the district's determination that reasonable suspicion exists, the district will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered if possible. A reasonable suspicion alcohol test will not be administered after eight (8) hours following the district's determination that reasonable suspicion exists. The district will maintain records stating the reasons why any tests required by this policy were not promptly administered or not administered.~~ If an alcohol test required by this section is not administered within eight (8) hours following the determination that reasonable suspicion exists for testing, the district will cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor will the district permit the driver to perform or continue to perform safety-sensitive functions, until:

(i) an alcohol test is administered and the driver's alcohol concentration is less than 0.02; or

(ii) twenty-four (24) hours have elapsed following the determination by the district that there is reasonable suspicion to believe the driver has violated the prohibitions in this policy concerning the use of alcohol.

Except as set forth in this ~~paragraph~~section, no adverse employment action will be taken against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.

The district will make and maintain written records of the observations leading to an alcohol or controlled substances reasonable suspicion test which must be signed by the supervisor or official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.



### **Return-to-Duty Testing**

Prior to permitting an employee who has violated this policy to return to performing safety-sensitive duties, the district may require testing as recommended by a qualified substance abuse professional in accordance with federal motor carrier safety regulations and this policy (see Notification of Test Results and Return to Duty, below) for any driver who has violated this policy.

### **Follow-Up Testing**

Prior to permitting an employee who has violated this policy to return to performing safety-sensitive duties, the district may require follow-up testing as recommended by a qualified substance abuse professional in accordance with federal motor carrier safety regulations and this policy (see Notification of Test Results and Return to Duty, below) for any driver who has violated this policy. In accordance with federal motor carrier safety regulations, the minimum number of follow-up tests is six (6) unannounced tests in the first twelve (12) months of safety-sensitive duty following the driver's return to safety-sensitive functions. Although the district will not impose additional follow-up testing requirements beyond those recommended by the substance abuse professional, the district will determine the dates of any such required testing. The driver will not receive prior notice of any such required follow-up testing. The district will not substitute any other tests (e.g. those carried out under the random drug testing program) conducted on the driver for follow-up testing requirements.

## **DRUG TESTING PROCEDURES AND RESULTS**

The entity or person(s) designated by this district to perform alcohol or controlled substances testing procedures and/or the specimen collection and analysis will strictly follow the U.S. Department of Transportation's rules, provide the necessary qualified personnel, protect the integrity of the testing processes, safeguard the validity of the test results, maintain the strict confidentiality of the testing and test results with disclosure only to the employer and the employee, and ensure that those results are attributed to the correct driver.

### **Alcohol Testing Procedures**

The instrument that will be used to determine the presence of alcohol is the EBT device. Only qualified breath alcohol technicians will be used to conduct breath alcohol testing according to 49 CFR Part 40. If test results are negative, the breath alcohol technician will inform the district and the employee, and no further action is needed. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed. If the result of the confirmation test is 0.02 or greater but less than 0.04, the driver will be immediately removed from performing safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours. The employee will be placed on unpaid leave during this period. If the result of the confirmation test is 0.04 or greater the employee will be subject to the same consequences as testing positive for a controlled substance.

### **Controlled Substances Testing Procedures**

~~The drug testing procedures will include, but not be limited to, the following controlled substances:~~

- ~~1. Cocaine;~~
- ~~2. Marijuana;~~
- ~~3. Opiates;~~
- ~~4. Amphetamines; and~~
- ~~5. Phencyclidine.~~

The district is required to use the “split sample” method of collection when conducting the test for controlled substances. The collection of samples for controlled substances testing will be conducted by qualified technicians following the guidelines as published in 49 CFR Part 40. Urine samples collected under this policy will not be used to conduct any other analysis or test.

The collection site ~~person-technician~~ is responsible for maintaining the integrity of the specimen collection and transfer process, and will carefully ensure the modesty and privacy of the driver, and will avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

The urine sample will be placed into two (2) separate bottles for shipment to the DHHS certified laboratory. If the screening test indicates a negative result the district will inform the employee and no further action is needed. If the test result of the primary specimen is positive for drugs, adulterated or substituted, the MRO will notify the employee of the verified test result. The employee will be offered the opportunity to request that the MRO direct the split specimen be tested in a different DHHS-certified laboratory to re-confirm the presence of the controlled substance(s), adulterant, or substitution for which a non-negative result was obtained. The MRO will honor this request if it is made within 72 hours of the employee having been notified of a verified non-negative test result. The result on the split specimen will be transmitted back to the MRO. While waiting for the test result to be completed on the split specimen the employee will not be permitted to perform safety-sensitive functions and shall be placed on unpaid leave. If the test results of the split specimen fail to reconfirm the non-negative result of the primary specimen, the MRO will cancel the test and report the reasons as required by 49 CFR 382. A canceled test is considered neither positive nor negative. If a split sample test fails to reconfirm the non-negative test result, the employee will be paid for the time that he/she normally would have worked during the waiting process. In certain cases of a cancelled pre-employment, post-accident, return-to-duty or follow-up test a recollection may be necessary. If a test is cancelled due to the split sample not being available for testing, the district is required to have an immediate direct observation sample conducted. The MRO may also require a direct observation collection on cancelled tests in which the employee has not provided an adequate explanation for an invalid test result. Employees who request a split sample to be tested at a second DHHS laboratory will bear all costs associated with the split testing unless the test fails to confirm the non-negative test result.

If, during the specimen collection process, the collection site ~~person-technician~~ detects an effort by the driver to adulterate or substitute a specimen, ~~a second specimen will be requested~~ requested direct observation will be immediately conducted in accordance with federal protocols. If, at any time, the employee refuses to submit to an observed collection when it is required under any of the circumstances outlined in 49 CFR Part 40, it will be deemed a refusal to submit.

~~If a second specimen is provided both will be tested. If the driver refuses to provide a second specimen the district will be so informed. Such conduct will be considered equivalent to testing positive and will result in an applicant not being offered employment with the district. A bus driver will have his or her employment with this district terminated in such a circumstance.~~

~~The entity or person(s) designated by this district to perform alcohol testing procedures and/or the specimen collection and analysis will strictly follow the Department of Transportation's rules, provide the necessary qualified personnel, protect the integrity of the testing processes, safeguard the validity of the test results, maintain the strict confidentiality of the testing and test results with disclosure only to the employer and the employee, and ensure that those results are attributed to the correct driver.~~

### **Shy Bladder or Shy Breath Syndrome**

If an employee has a medical condition that prevents an acceptable sample from being collected in accordance with 49 CFR Part 40, the employee will be required to have a medical examination conducted by a physician acceptable to the employee and the MRO. The employee will have five (5) business days to obtain a physician's statement verifying that a qualifying medical condition exists that would have prevented the employee from providing an acceptable sample. If the employee has failed to keep the appointment with the physician, the employee may be disciplined up to and including termination. If the employee is unable to get an appointment with a physician in the five-day period, the employee is required to notify the district immediately of the situation. If, after the examination is completed and the physician has determined that the employee does not have a qualified medical condition that would prevent an acceptable urine/breath sample from being obtained, the test result will be reported as a refusal to submit, which results in the same consequences as a positive test.

### **Requirement to Submit to Observed or Monitored Urine Specimen Collection**

Under certain circumstances, a covered employee may be required to submit to an observed specimen collection. Some situations that will require the specimen collector to conduct an immediate direct observation are:

1. Providing a sample that is not within the acceptable temperature range;
2. Providing an obviously adulterated specimen;
3. Conduct that clearly indicates an attempt to adulterate or substitute a specimen;
4. All return-to-duty and follow-up testing.

In other cases, the MRO has the right to require a direct observation in other circumstances such as an invalid or cancelled test result.

The covered employee is required to submit to the observed specimen collection when requested. Failure to permit an observed or monitored collection when requested will be deemed a refusal to submit.

### **Negative Dilute Result**

In the case of a reported negative dilute result, the district will accept this result as a verified negative. A second specimen will be collected. If the second specimen is also reported as a negative dilute, the negative result must be accepted.

Negative dilute results with a creatinine level greater than or equal to 2 mg/dl but less than or equal to 5 mg/dl require an immediate recollection under direct observation.

## **RETENTION AND CONFIDENTIALITY OF RECORDS**

The following records will be retained for five (5) years:

1. Records of driver alcohol test results indicating an alcohol concentration of point zero two (0.02) or greater;
2. Records of driver verified positive controlled substances test results;
3. Documentation of refusals to take required alcohol and/or controlled substances tests;
4. Calibration documentation;
5. Driver evaluation and referrals;
6. Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations; and
7. A copy of each annual calendar year summary.

The following records will be retained for three (3) years from the date of a driver's first performance of safety-sensitive functions:

1. Records of information obtained or of the good faith efforts made by the district to obtain alcohol and controlled substances information from a driver's previous employer(s).
2. Records of each query, including driver consents, and all information received in response to each query made to the Commercial Driver's License Drug and Alcohol Clearinghouse.

The following records will be retained for two (2) years:

Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

The following records will be retained for one (1) year:

1. Records of negative and canceled controlled substances test results; and
2. Alcohol test results with a concentration of less than point zero two (0.02).

The following records will be retained for an indefinite period:

~~4.~~ Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers will be maintained by the district while the individual performs the functions which require the training and for two (2) years after ceasing to perform those functions.

**~~CONFIDENTIALITY OF RECORDS~~ Confidentiality and Access to Records**

This district will not release bus driver information compiled pursuant to this policy except in the following circumstances:

1. A bus driver, upon written request, is entitled to receive copies of any records pertaining to the driver's use of alcohol or controlled substances, including records of test results. The district will promptly provide any such records to the driver. Access to a driver's record will not be contingent upon payment for records other than those specifically requested.
2. Results of all bus driver alcohol and/or controlled substances testing and any other information pertaining to the district's alcohol misuse and/or controlled substances use prevention program will be provided at the request of the Secretary of Transportation (DOT), any DOT agency, or any State or local officials with regulatory authority over the district or any of its bus drivers.
3. Records may be used in a lawsuit, grievance, worker's compensation claim, unemployment compensation, or other proceeding initiated by or on behalf of a bus driver, and arising from the results of a positive alcohol and/or controlled substance test administered under this policy or a refusal to test (including, but not limited to, adulterated or substituted test results). The district may also disclose information in criminal or civil actions brought by or on behalf of a driver and resulting from a positive drug or alcohol test (including, but not limited to, adulterated or substituted test results).
4. Records will be made available to a subsequent employer or other identified person upon receipt of a written request from a bus driver. The release of information is permitted only in accordance with the terms of an employee's consent.

5. The district will release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's written consent.
6. Except as required by law or expressly authorized or required, the district will not release driver information to third parties that is contained in records required to be maintained by the district under 49 CFR 382.

## PRE-EMPLOYMENT AND ONGOING REQUESTS FOR INFORMATION

### Pre-Employment Inquiry From Previous Employers

The district is required to request alcohol and controlled substances testing information from previous employers regarding the applicant, including any refusals to be tested, for the three (3) years preceding the of the date of application for employment ~~from previous employers~~ prior to any driver performing safety-sensitive functions for the district for the first time (i.e. new hires or employees who transfer into a safety-sensitive position). Such requests will be made after obtaining the driver's written consent. Drivers who refuse to provide such written consent will not be permitted to perform any safety-sensitive functions. The information that will be requested from previous employers includes the following:

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drug tests;
3. Refusals to be tested (including verified adulterated or substituted drug test results);
4. Other violations of Department of Transportation agency drug and alcohol testing regulations; and
5. With respect to any driver who violated a DOT drug and alcohol regulation, documentation of the driver's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process (e.g. an employer who did not hire an employee who tested positive on a pre-employment test), the district will seek to obtain this information from the driver.

### ~~Drug and Alcohol Clearinghouse~~

~~The district will not employ a driver subject to alcohol or controlled substances testing under this policy to perform safety sensitive functions without first conducting a pre-employment query of the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has a verified positive, adulterated or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of this policy; or an employer as reported actual knowledge that the~~

~~driver used alcohol on duty, before duty or following an accident in violation of this policy, or used a controlled substance in violation of this policy.~~

### **Consent**

~~The district will first~~Prior to conducting any query of the Clearinghouse to determine whether a record exists for that driver, the district will obtain a driver's written or electronic consent. ~~to query the Clearinghouse to determine whether a record exists for that driver.~~ The consent must give the district access to the following specific records:

1. A verified positive, adulterated, or substituted controlled substances test result;
2. An alcohol confirmation test with a concentration of 0.04 or higher;
3. A refusal to submit to a test in violation of this policy;
4. An employer's report of actual knowledge of (i) on duty alcohol use; (ii) pre-duty alcohol use; (iii) alcohol use following an accident; and (iv) controlled substances use;
5. A substance abuse professional's report of the successful completion of the return-to-duty process;
6. A negative return-to-duty test; and
7. An employer's report of completion of follow-up testing.

Prior to employment with the district, all drivers must create a Clearinghouse account and log in to permit the district consent to acquire a full report. Drivers must sign a separate consent for limited queries.

### **FMCSA Clearinghouse Queries**

The district ~~will~~ ~~is also required by 49 CFR 382~~ to conduct an annual query of the Clearinghouse for information for all drivers subject to controlled substance and alcohol testing under this policy to determine whether information exists in the Clearinghouse about those drivers.

In lieu of a full query, the district may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the district whether there is information about the individual driver in the Clearinghouse, but will not release that information to the district. Drivers may give consent to the district to conduct limited queries that is effective for more than one (1) year, ~~although the district recommends drivers make consent valid for the duration of employment.~~

If the limited query shows that information exists in the Clearinghouse about the individual driver, the district will conduct a full query within twenty-four (24) hours of conducting the limited query. If the district fails to conduct the query within twenty-four (24) hours, it will not allow the driver to continue to perform safety-sensitive functions until the employer conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.

For purposes of this paragraph, prohibitions means that a driver is not permitted to perform any safety-sensitive function because the results of the Clearinghouse query demonstrate that the driver has a verified positive, adulterated or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of this policy; or that an employer has reported actual knowledge that the driver used alcohol while on duty, before duty or following an accident, or used a controlled substance, in violation of this policy, except where a query of the Clearinghouse demonstrates:

1. That the driver has successfully completed the substance abuse professional evaluation, referral, and education/treatment process as set forth in this policy; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the substance abuse professional; or
2. That, if the driver has not completed all follow-up tests as prescribed by the substance abuse professional in accordance with this policy and specified in the report of the substance abuse professional, the driver has completed the substance abuse professional evaluation, referral and education/treatment process and achieves a negative return-to-duty test result, and the district assumes the responsibility for managing the follow-up testing process associated with the testing violation.

Drivers are responsible to ensure the district has the following information to conduct required queries:

- The driver's name;
- Date of birth;
- Commercial driver's license number and state of issuance;
- Violation and/or testing data.

## NOTIFICATION OF TEST RESULTS AND RETURN TO DUTY

This district will notify a bus driver of the results of a pre-employment controlled substances test if the bus driver requests the results within sixty (60) calendar days of being notified of the disposition of the employment application.

This district will notify a bus driver of the results of random, reasonable suspicion, and post-accident tests for controlled substances if the test results are verified positive. The employee will also be informed which controlled substance or substances were verified as positive.

In those instances where the ~~medical review officer~~MRO has been unable to contact the driver to discuss the results of a controlled substances test, the superintendent or designee will make reasonable efforts to contact and discuss the test results with the individual, regardless of employment status. The superintendent or designee will request that the individual contact the ~~medical review officer~~MRO within twenty-four (24) hours, and will also inform the ~~medical review officer~~MRO of such notification.



Each driver who has engaged in conduct which violates this policy will be advised of the resources available to the driver in evaluating and resolving the problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

Prior to performing any safety-sensitive functions following a violation of this policy, each driver who engages in conduct which violates this policy will be evaluated by a qualified substance abuse professional, at the driver's own expense, who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The driver must successfully comply with the substance abuse professional's evaluation recommendations, including regular follow-up testing, counseling or other services, before the district will permit such driver to return to duty. As part of the driver's return-to-duty process, the driver must agree to allow the district to monitor and document the driver's participation in any recommended services. Any driver who fails or refuses to comply with the recommendations of the substance abuse professional is subject to disciplinary action by the district, including termination of employment.

### ***SELF-REFERRAL***

*All bus drivers employed by this district who may consider themselves alcohol or controlled substances dependent will be encouraged to obtain an evaluation by a licensed substance abuse professional and seek treatment, if so recommended. This district will provide informational assistance in locating professional substance abuse counseling to any driver requesting such assistance.*

*Bus drivers who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation, or treatment requirements of 49 CFR Part 40, provided that:*

- 1. The driver does not self-identify in order to avoid testing under such federal regulations;*
- 2. The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty; and*
- 3. The driver does not perform a safety sensitive function until the district is satisfied that the employee has been evaluated and has successfully demonstrated compliance with any education or treatment requirements in accordance with the recommended treatment plan as established by the evaluator.*

*The district will take no adverse action against a driver making a voluntary admission within the parameters of this policy. The district will allow the driver up to fourteen (14) days to complete the evaluation process. If the employee has failed to complete the evaluation within fourteen (14) days from the date of referral, it will be considered misconduct and the district will take disciplinary action up to and including termination. Drivers who have voluntarily admitted to use are not qualified to perform safety-sensitive functions and will be placed on unpaid leave or assigned non-safety sensitive work duties if available and appropriate.*

*A driver will be allowed to return to safety-sensitive duty when the evaluating counselor determines that the employee is in full compliance with the recommended education or treatment and has an established follow-up program in place. The driver will be required to take and pass a non-DOT return-to-duty drug and/or alcohol test prior to return to safety-sensitive duty.*

*Any driver returned to duty following a voluntary admission may be required to consent to follow-up, non-DOT random testing at an interval and number established by the evaluating counselor. Drivers who are returned to duty following a voluntary admission shall be required to sign a “last chance agreement” with the district. If, during the follow-up period, the driver fails to comply with the recommended treatment or fails a follow-up drug and/or alcohol test, it will be considered prohibited conduct under 49 CFR Part 40 and this policy. The driver who has engaged in prohibited conduct will be required to comply with all applicable requirements under 49 CFR Part 40 and this policy. Drivers who have engaged in prohibited conduct are subject to immediate disciplinary action by the district, up to and including termination.*

*Bus drivers undergoing alcohol or controlled substances rehabilitation will do so at their own expense (other than those expenses covered by the district’s insurance program), on their own time, or during an unpaid leave of absence approved by the district prior to taking the leave.*

~~*Any bus driver who demonstrates successful progress or completion of a recommended course of treatment may return to work only after passing an alcohol and/or controlled substances test at the driver’s expense. Any such driver will be expected to comply with all aspects of this policy.*~~

## **POLICY VIOLATION CONSEQUENCES**

Any individual who tests positive in the pre-employment test for alcohol (point zero four (0.04) or higher) or controlled substances will not be offered employment with this district. Any bus driver who tests positive for alcohol (point zero four (0.04) or higher) or controlled substances will have his or her employment with this district terminated.

No driver tested under this policy who is found to have an alcohol concentration of point zero two (0.02) or greater, but less than point zero four (0.04), will perform or continue to perform safety-sensitive functions for this district, until the start of the driver’s next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. No action will be taken under this policy against a driver based solely on test results showing an alcohol concentration less than point zero four (0.04). *Any employee that has an alcohol concentration of 0.04 or greater on the confirmation test will be terminated. A positive breath alcohol will be reported to the FMCSA Clearinghouse and the employee will be provided with a list of substance abuse professionals upon termination.*

The possession, use, purchase, or distribution of alcohol or controlled substances by a bus driver in a district vehicle, on district property, or during work hours is prohibited. Any bus driver who violates this prohibition will have his or her employment with this district terminated.

A bus driver’s off-the-job illegal use, manufacture, purchases, possession, or distribution of controlled substances, drug paraphernalia, or illegal use of alcohol resulting in criminal charges

against the driver will result in the driver being requested to submit to alcohol and/or controlled substances testing. If the tests are positive, the driver will fall within the provisions of this policy. If a bus driver is convicted of the above-stated offense, the driver will have his or her employment with this district terminated.

Any driver who refuses to be tested, or fails to release or provide information as required by this policy, will have his or her employment with this district terminated.

## REPORTING REQUIREMENTS

The district is prohibited from allowing any driver that has committed a testing violation and has not completed the return-to-duty process as outlined in this policy to perform safety-sensitive functions. Drivers will be notified by FMCSA when the district obtains information from the Clearinghouse regarding their violation, or when information concerning the driver is added, revised or removed.

The district, its service providers, MRO(s), and/or its substance abuse professionals—is are required by federal motor carrier safety regulations to report the following information about a driver to the Commercial Driver’s License Drug and Alcohol Clearinghouse by the close of the third business day following the date on which it obtains such information:

1. An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
2. A negative return-to-duty test result;
3. A refusal to take an alcohol test as defined in this policy;
4. A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) – (4), (a)(6), (a)(8) – (a)(11), or (d)(1), but in the case of a refusal to test where the driver admits to the collector or MRO that he/she adulterated or substituted the specimen, the district may report only those admissions made to the specimen collector; and
5. A report of actual knowledge by the district that the driver used alcohol on duty, including any citation for driving under the influence of alcohol (DUI/DWI) while driving a school bus or other commercial motor vehicle;; within 4 hours before duty;; or within 8 hours following an accident or before a post-accident test is complete (whichever occurs first);; or used controlled substances while on duty, in violation of this policy.
6. A report that the driver has successfully completed all follow-up tests as prescribed in the substance abuse professional report (only reported if the primary violation occurred on or after January 6, 2020).
7. A verified positive, adulterated, or substituted DOT drug test.

The information required to be reported must include, as applicable: (i) the reason for the test; (ii) driver's name, date of birth and CDL number and state of issuance; (iii) employer name, address and USDOT number; (iv) date of the test; (v) date the result was reported; and (vi) test result, which must be one of the following: (a) negative (only required for return-to-duty tests); (b) positive; or (c) refusal to take a test.

For each report of a violation, the district must report the following information:

1. Documentation, including but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the driver was directed to appear, or an affidavit providing evidence of such notification;
2. Documentation, including but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the driver was terminated or resigned (if applicable);
3. Documentation, including a certificate of service or other evidence, showing that the district provided the driver with all documentation reported as set forth in this policy.
4. For reports of violation consisting of actual knowledge of alcohol use or controlled substance use, the district will also provide (i) the date the district obtained actual knowledge of the violation; (ii) witnesses to the violation, if any, including contact information; (iii) a description of the violation; (iv) evidence supporting each fact alleged in the description of the violation, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements, correspondence, or other documentation; and (v) a certificate of service or other evidence showing that the district provided the driver with all information reported under this paragraph.

Drivers are required to notify the district in writing if they have violated the drug and/or alcohol prohibitions of 49 CFR Parts 40 and 382 while employed with the district. The statement must be received before the end of the business day the day after the driver received notification of the violation or prior to performing any safety-sensitive duties, whichever comes first.

The district will only use information obtained from the Clearinghouse to determine if the driver is prohibited from performing safety-sensitive duties. The district will not divulge, nor permit any other person or entity to divulge, any driver-specific information from the Clearinghouse to any person or entity not directly involved in making such determination.

### **MEDICAL MARIJUANA**

The district, as well as the U.S. Department of Transportation, views marijuana as a Schedule I controlled substance and prohibits employees from having any detectable level in their system while working for the district, despite the employee's possession of a medical marijuana card or living in a state that has legalized marijuana. Operation of a school bus or other district commercial motor vehicle is prohibited while using marijuana. In addition, although the U.S. Department of Transportation does not require testing for CBD, use of CBD by employees is not

a legitimate medical explanation for a laboratory confirmed marijuana positive result. Therefore, the district's MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.

### **PRESCRIPTION MEDICATIONS AND OVER THE COUNTER DRUGS**

Employees are responsible to report to duty free from the effects of any controlled substances or alcohol. Covered employees must report the use of prescriptions and over-the-counter medications that could have a disabling effect, bears a prescription warning label or otherwise adversely affects the covered employee's fitness for duty or job performance to their immediate supervisor (without giving the name of the prescription or over-the-counter medication).

It is the covered employee's responsibility to determine from the physician, pharmacist, or other health care professional whether or not the prescribed or over-the-counter medications could affect the covered employee's fitness for duty or impair job performance or if the medication is listed on the prohibited controlled substance listing as published by the U.S. Department of Transportation. Covered employees may be required to provide a written medical authorization to work from a physician upon reporting the use of prescription or over-the-counter medications. Failure to report the use of prescription or over-the-counter medications that have disabling effects or otherwise affect the covered employee's fitness for duty while at work and failure to provide proper evidence of medical authorization to work may result in discipline, up to and including suspension and/or termination.

### **CONCLUSION EDUCATIONAL INFORMATION ON EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCES**

The terms of this Transportation Workplace Alcohol and Drug Testing Program are intended to achieve a work environment where bus drivers are free from the effects of alcohol and/or controlled substances. The provisions of this policy may be revised as necessary. This district anticipates that by implementing the provisions of this policy, its drivers will enjoy the benefits of working in a safer and more productive environment.

Further information is available from the superintendent or designee concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem of a driver or a coworker; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

### **CERTIFICATE OF RECEIPT**

Each covered employee will be required to sign a certificate of receipt certifying that he or she has received a copy of this policy, which is the basis for implementing the requirements of the U.S. Department of Transportation Federal Motor Carrier Safety Administration rules and regulations pertaining to alcohol and controlled substances testing of covered employees.

**QUESTIONS REGARDING POLICY**

Questions regarding this policy may be directed to the driver’s immediate supervisor or the following:

[Name]

[Title]

[Contact information (e.g., email, phone number)]



**LEGAL REFERENCE:**

PL 102-43 (The Omnibus Transportation Employee Testing Act of 1991)

49 C.F.R. Parts 40 and 382 (DOT and Federal Motor Carrier Safety Regulations)

Idaho Code §72-1701 *et seq.* (Idaho Private Employer Alcohol and Drug-Free Workplace Act)

**ADOPTED:**

**AMENDED:**

**ACKNOWLEDGMENT AND RECEIPT OF  
BUS DRIVER DRUG AND ALCOHOL TESTING POLICY**

I, \_\_\_\_\_ have received a copy of the \_\_\_\_\_ School District’s Bus Driver Drug and Alcohol Testing Policy. I understand that the Policy is effective on [DATE] and will remain in effect until amended or withdrawn. I understand that I will be provided notice of any amendments to the Policy. I further understand and acknowledge that I am subject to the Policy during the term of my employment with the School District and that any violation may be grounds for discipline, including immediate termination.

I acknowledge that I have read or will read the Policy received this day, and that I will direct any questions to the person identified in the Policy or my immediate supervisor.

\_\_\_\_\_  
Signature of employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name



**LEGAL REFERENCE:**

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

*It ~~will be~~ the policy of the board to keep the community informed of the objectives, ~~achievements~~programs, ~~needs~~services, policies, and ~~conditions~~administrative operations of the school system. The superintendent of schools will be responsible for initiating and administering a continuous program of communications within the community. The superintendent will utilize school personnel and all media available in discharging his or her responsibility.*

*The board believes that it is essential for parents and guardians to be regularly informed of their students' progress in school. Principals and school personnel are therefore encouraged to use a variety of means to keep district parents/guardians informed about student academic achievement, as well as student programs and activities.*



**LEGAL REFERENCE:**

Idaho Code ~~§Section~~ 33-506(1) – Organization of Board of Trustees

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*



*This district's board of trustees recognizes that while the parents of some students may be divorced or estranged, both have a right to be informed of and involved in their child's educational process. The board also recognizes that parents who are estranged or divorced may disagree regarding the education of the child, and/or may attempt to limit one another's access to their child. Despite such estrangement, both parents are welcomed and encouraged to participate in the child's education, to the extent appropriate.*

*Parents are presumed to have joint custody of the student, absent a court order or written agreement between the parents denying or limiting custody for either parent. For the district's purpose, the parent with whom the student resides is presumed to be the custodial parent. If estranged or divorced parents both claim to be the custodial parent, asserting that the student is residing with both parents, enrollment records will be examined. The parent who enrolled the student will be presumed to be the custodial parent until a court order or written agreement between the parties, identifying the custodial parent, is provided to the school.*

*A parent will only be prevented from participating in his/her child's education if a court order (e.g., divorce decree, custody order, or restraining order) specifically denies visitation rights. If one parent desires that the district comply with such an order, he/she has the obligation to present a copy of the signed order to the building principal. Additionally, the district may prohibit either parent (regardless of custodial status and the language of the court order) from entering the school, or otherwise participating in school-sponsored activities, if he or she disrupts the educational process or his/her presence is detrimental to the morals, health, safety, academic learning, or discipline of the student(s).*

## **PROGRESS REPORTS AND STUDENT RECORDS**

Both parents have the right to receive progress reports and review student records of their minor children. *If the parents are separated or divorced, progress reports will be sent to the custodial parent with the expectation that he/she will share the report with the non-custodial parent. The district will send copies of the progress report to the non-custodial parent only if that parent submits a written request that it do so.*

Both parents have the right to review their minor student's records. However, if the custodial parent advises the district, in writing, to delete the minor child's address from student records supplied to the non-custodial parent, the records will be flagged and the deletion will be made. Any request to review the student's records must comply with the Family Educational Rights and Privacy Act.

## **PARTICIPATION IN PARENT AND TEACHER CONFERENCES**

*Both parents are welcome, and encouraged, to participate in parent and teacher conferences, disciplinary meetings or hearings, Individual Educational Program team meetings, and any other conference called by district personnel regarding the student's education. If the parents are separated or divorced, the custodial parent is expected to share scheduling information with*

*the non-custodial parent. The school will provide scheduling information to the non-custodial parent only if it receives a written request to do so.*

### **EDUCATIONAL DECISIONS**

*In the event the parents are unable to agree with one another on decisions regarding their student's educational program, including, but not limited to, placement, participation in extracurricular activities, and consent to evaluation and services, the custodial parent's decision will be binding on both parents unless a court order requires otherwise. In the event the educational decision relates to services provided pursuant to the Individuals with Disabilities Education Act, the educational decisions, and the parents' rights and responsibilities, will be pursuant to the statutory requirements.*

### **VISITATION WITH THE STUDENT DURING SCHOOL HOURS**

*Generally, both parents have the right to attend school programs open to parents and patrons, volunteer in the child's classroom, or visit the child at the school, or otherwise be in the school setting. The parent's right is not negated solely by the fact that he/she is the non-custodial parent. Such visitation will be limited only if the district has received a copy of a court order specifically restricting the parent's access to the child by: (1) denying the parent's visitation rights; or (2) requiring supervision of the parent's visitation with the child. The district does not have the responsibility to supervise visitation between a parent and his/her child and, thus, will not allow parent access in the school setting.*

*When visiting the school, all parents are required to comply with all district policies and not take any action which disrupts the educational process. All parents visiting the school must check-in with the school office before proceeding to a classroom or other area of the school. If a parent takes any action which the administrator considers to be inappropriate or disruptive to the educational process, he/she may be requested to leave and prohibited from returning.*

*If a parent wants to visit with his/her child privately, the administrator shall have the authority to grant or deny the request, and, if granted, to determine the place and time of such visit to ensure minimal disruption to the student's participation in class.*

### **RELEASE OF THE STUDENT TO SOMEONE OTHER THAN THE CUSTODIAL PARENT**

*Only the custodial parent has the right to authorize removal of the child from school property during school hours. If the custodial parent desires that the student be removed by another individual, he/she must inform the school in writing that he/she is authorizing such party to remove the student. Such authorization shall be assumed to be generally applicable, unless the custodial parent specifies that it is limited to a specific date and time.*

*If the non-custodial parent seeks to remove the child from school, and the custodial parent has not consented, the following steps should be followed:*

1. *The principal or designee will meet with the non-custodial parent and, in his/her presence, telephone the custodial parent and explain the request. If the custodial parent agrees, the student will be released and the records will reflect that the permission was granted orally. In the event the custodial parent cannot be reached, the principal may make a decision based upon all relevant information available to him/her.*
  
2. *If the custodial parent objects to the removal, the principal or designee may allow a visit between the non-custodial parent and student, with the child remaining in the office area for the visit and then returning to class. The non-custodial parent will not be allowed to leave the office area with the student.*
  
3. *If the principal or designee has reason to believe that a possible abduction of the child may occur at the school or the parent is disruptive, the superintendent and/or local law enforcement officials will be immediately notified.*



**LEGAL REFERENCE:**

Idaho Code Sections

18-3302I – Threatening Violence on School Grounds

18-7008 - Trespass

33-506(1) – Organization of Board of Trustees

33-512(11) – Governance of Schools (prohibition of entry to school grounds)

32-717A – Parents’ Access to Records and Information

Family Educational Rights and Privacy Act of 1974

20 USC 1232g

34 CFR Part 99

IDAHO ATTORNEY GENERAL OPINION No. 93-2

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

*The board of trustees of this district recognizes that cooperation with law enforcement agencies is essential for the protection of students, maintenance of a safe environment in this district's schools, and the safeguard of all district property.*

### ***SCHOOL RESOURCE OFFICERS***

*The board believes that it is essential to hold juveniles responsible for their actions and prevent individual problems from developing into patterns of delinquency. The board supports a School Resource Officer (SRO) program to assist the district in providing a safe school environment through education, enforcement and cooperative efforts with school staff, students, parents/guardians, courts, and community service organizations. The objectives of the SRO program include the following:*

- Investigation of cases involving juveniles, including situations with juveniles as witnesses or victims of crime and the use of effective alternatives to court whenever possible.*
- Positive contact between local law enforcement agencies and the school community, including staff, parents/guardians and community patrons through a regular and consistent, proactive presence in schools with a preventative emphasis.*
- Protection of children against victimization, gangs, involvement with criminals and other harmful influences through involvement in the site emergency planning process and collaboration with building administration.*
- Facilitation of information sharing relating to criminal or legal matters impacting the academic learning environment and the safety of the school community.*
- Supporting co-curricular opportunities in the classroom environment for instruction on the social and individual impact of laws, courts and the police.*

### ***COOPERATION WITH OTHER AGENCIES***

*The district will also cooperate with other state and local public agencies insofar as those agencies' responsibilities and duties relate to public school students.*

### ***INTERVIEWING STUDENTS***

*This district will allow law enforcement and health and welfare agents to interview students, relative to child protection or criminal investigations, at school facilities, during school hours, upon notice of the need for such interview. Upon receiving notice of the need for such interview and identification of the interviewer as a law enforcement agent, the superintendent or designee will provide a private room in which the interview(s) may be conducted. No school official or staff member will be present during the interview unless requested to do so by the law enforcement agent.*

*School officials will take no actions to delay or otherwise interfere with law enforcement's interview, removal into protective custody, or arrest of the student.*

**NOTIFICATION OF PARENTS**

*Law enforcement is not required to notify the parent that his/her student is being interviewed relative to a child protection investigation. School officials will not notify the parent regarding the fact that the student is being interviewed by law enforcement, unless specifically requested to do so by the law enforcement agent. In the event that a parent inquires regarding the interview, the school officials will refer the parent to law enforcement.*



**LEGAL REFERENCE:**

Idaho Code Sections

33-506(1) – Organization of Board of Trustees

33-512 – Governance of Schools

Idaho Attorney General Opinion No. 93-2

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

*Community participation in this district is important for improving the quality of education for the students. Therefore, this board intends to make every effort to identify the desires of the community and to be responsive to those desires.*

*Patrons of this district are encouraged to express their ideas, concerns, and judgments through:*

- 1. Written suggestions or proposals;*
- 2. Presentations at public hearings;*
- 3. Responses to survey;*
- 4. Comments at meetings of this board; and*
- 5. Service on citizens advisory committees.*

*The advice and the concerns of the public will be carefully considered. In evaluation of such advice, the first concern of this board will be the educational program as it affects students.*

**~~RELATIONS WITH OTHER POLITICAL AGENCIES~~**

~~*Cooperation with law enforcement agencies is essential for the protection of students, for the maintenance of a safe environment in this district's schools, and for the safeguard of all school property.*~~

~~*This district will also cooperate with other state and local public agencies and those agencies' responsibilities and duties that relate to public school students.*~~



**LEGAL REFERENCE:**

Idaho Code Sections

-33-506(1) – Organization of Board of Trustees

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

*Patrons from this district having concerns or complaints regarding any aspect of this school district and/or the services it provides to the school-age students residing in its boundaries may submit those concerns or complaints in writing following the procedure set forth below:*

- 1. Matters concerning an individual school will be discussed first with the principal of that school;*
- 2. If the patron believes that the matter was not resolved at the school level, it may then be brought to the superintendent;*
- 3. If the problem is not resolved with the superintendent of schools, it may then be brought before the board in the following manner:*
  - a. The request, concern, or complaint will be submitted in writing to the board at least five (5) days before the regularly scheduled board meeting;*
  - b. Participants must identify whom they represent and may be asked to comment on their questions or problems;*
  - c. Personnel complaints against any school district employee will not be heard in open session;*
  - d. The board reserves the right to set time limitations for presentations and speakers.*

*Individuals with complaints regarding library resources or textbooks will follow the complaint procedure set forth in Policy 652 - Library and Resource Center Materials.*

*Individuals with civil rights/discrimination complaints should follow the procedures set forth in Policy 292P1 – Americans with Disabilities Complaint Procedure or 294P1 – Civil Rights Grievance Procedure, as applicable. Individuals with complaints arising under Title IX should follow the district’s Title IX Grievance Procedures, set forth in Policy 296P1 – Title IX Grievance Procedure.*



**LEGAL REFERENCE:**

Idaho Code §33-506(13) – **Organization of Board of Trustees**

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

*Establishing and maintaining good public relations with the community and other governmental organizations requires a concerted effort by the entire school district staff. Each school will make an effort to inform the public of various educational achievements, activities, and goals.*

*The most important public relations ambassadors are the teachers who work directly with students every day. All employees are encouraged to participate in community activities and demonstrate to the community by their words, attitudes, and actions the ideals set forth by this district.*



**LEGAL REFERENCE:**

Idaho Code ~~§Section~~ 33-506(1) – Organization of Board of Trustees

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*



***COMMUNITY YOUTH GROUP ACTIVITIES***

*All students are encouraged to become involved in the various community youth group activities available. However, no student, as part of a school program, will be required to participate in non-school community youth group activities.*

**~~SECRET SOCIETIES PROHIBITED~~**

~~No person, group, or organization will establish a fraternity, sorority, or secret society whose membership is comprised in whole or in part of students enrolled in the public elementary or secondary schools in this district, or solicit a student to become a member of such organization; nor will students enrolled in any of this district's public schools become a member of such organization, or pledge himself or herself to become a member of any such organization.~~

~~A fraternity, sorority, or secret society will be interpreted as any organization, the active membership of which is comprised in whole or in part of students enrolled in this district's schools, and which exists or perpetuates itself wholly or partly by selecting members on the basis of the decision of its membership rather than upon the basis of the right of any student, qualified by the rules and regulations of the school, to be a member. The definition will not be construed to include organizations institutionally sponsored by agencies of public welfare, such as the Boy Scouts of America, Girl Scouts of America, Campfire Girls, the YMCA and YWCA, and similar organizations.~~

~~The board may withdraw the rights and privileges of students participating in such secret society or fraternity or sorority, may deny graduation, deprive students of credit, or suspend or expel such students.~~

***PUBLIC PERFORMANCES BY STUDENTS***

*Student groups, with the permission of the building principal, may participate in non-school-sponsored public events if such participation furthers an educational objective. A student's participation in any non-school-sponsored event must be voluntary.*

*School groups desiring to participate in public events outside of the district wherein these events are not a regularly scheduled activity of the school must request permission to participate from the building principal at least thirty (30) days in advance of the anticipated activity. If any expenditure of school funds is required, prior approval must come from the board.*



**LEGAL REFERENCE:**

Idaho Code §33-506(1) – Organization of Board of Trustees ~~Sections 33-1901, et seq.~~

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

School groups may, with the permission of the principal, participate in local public events which fall into the following categories, provided participation is not harmful to the students' normal learning routine:

1. Events sponsored by the school district. Educational events in which the schools serve as hosts shall have priority in scheduling events.
2. Community functions organized in the interests of the schools such as those of the Parent-Teacher Associations.
3. Non-commercial civic occasions of community, city, state, or national interests of sufficient breadth to enlist general community support.
4. Events that are primarily patriotic in nature, such as Veteran's Day.
5. Charity benefit activities, provided such activity has been specifically approved in advance by the principal.
6. Programs sponsored by established, not-sectarian, character building agencies.
7. Programs sponsored jointly by the school district with some other agency.
8. Programs on television or radio which are of a public service nature or provide the school district an opportunity to communicate with the general public.

Student groups, with the permission of the building principal, may participate in nonschool-sponsored public events if such participation furthers an educational objective. A student's participation in any nonschool-sponsored event must be voluntary.

School groups desiring to participate in public events outside of the district wherein these events are not a regularly scheduled activity of the school must request permission to participate from the building principal at least thirty (30) days in advance of the anticipated activity. If any expenditure of school funds is required, prior approval must come from the board. If students travel outside of Idaho on school business, then prior Board of Trustee permission must be obtained.



**LEGAL REFERENCE:**

Idaho Code Sections 33-506

**ADOPTED:** July 23, 1998  
January 21, 2016

*All contests, projects and solicitation or fundraising activities must comply with established district policies and procedures.*

### **CONTESTS**

*District-wide contests sponsored by organizations outside of the school district must be approved by the superintendent or designee. The building principal or designee may decide whether or not to allow a contest in a particular school. It is against district policy for any teacher or administrator to require any student to enter or participate in any contest sponsored by organizations or groups not part of this district. School administrators or teachers will have the authority to evaluate contests and advise individual students on participation.*

### **CURRICULUM RELATED PROJECTS**

*Curriculum related projects sponsored and/or designed by organizations outside of the school district and proposed for use in instruction in district schools must be approved by the superintendent or designee. The building principal or designee may decide whether or not to allow a project in a particular school.*

### **RESEARCH PROJECTS**

*Research projects proposed by organizations outside of the school district must be approved by the superintendent or designee. For approved projects, the organization's representative shall have the obligation of securing permission of the building principal(s) for participation in the project.*

*If the project involves surveys and/or research with teachers, teacher participation shall be optional. If the project involves surveys and/or research with students, student participation shall be optional, and parental permission for participation shall be obtained prior to conducting the research, except as described below.*

*When an organization conducts studies for instruction and the organization requests access to student records, those records may be made available without parental consent under certain circumstances. The organization must agree to conduct the study in such a way that the personal identification of parents and students are not revealed. The information received from the district must be shredded or destroyed by the organization when it is no longer needed for the study. If an organization receives information from the district and does not follow the requirements set forth above, it may not access further information from student records for at least five (5) years.*

*The board acknowledges that certain testing/research may be performed on a district-wide basis, or as necessary to verify the effectiveness of district programs. These testing/research situations, as approved by the superintendent or designee, are not subject to the above stipulations.*

**FUNDRAISING**

*Fundraising within district schools shall be kept at a level whereby it does not intrude upon the district’s instructional program or upon the time of students, staff and administrators. The superintendent or designee may approve the district’s participation in certain philanthropic fund drives, local or national. Fundraising at the school level shall be approved by the principal or designee. Compulsory participation by students or district employees in fundraising activities is prohibited. Student safety and welfare should remain a top priority in fundraising activities.*

*Teacher and student groups that intend to undertake fundraising activities in the school or community must first obtain the approval of the building principal or designee.*

**SOLICITATIONS**

*No organization or individual will be allowed to solicit or collect money from individual students or district employees during school hours without prior authorization from the superintendent or designee.*



**LEGAL REFERENCE:**

Idaho Code ~~§Section~~ 33-506(1) – Organization of Board of Trustees  
20 U.S.C. §1232g; 34 CFR Part 99 – Family Educational Rights and Privacy Act

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

Students and employees may voluntarily participate in philanthropic fund drives, local or national, but compulsory participation shall be prohibited.

There shall be no solicitations or collections from students on an individual basis without authorization from the board of trustees.



**LEGAL REFERENCE:**  
Idaho Code Sections 33-506(1)

**ADOPTED:** July 23, 1998

**REVIEWED:** January 21, 2016

DELETED

It shall be against district policy for teachers' or students' groups to undertake any money-raising activity in the school or in the community without the approval of the building principal for such sponsorship.



**LEGAL REFERENCE:**

Idaho Code Sections 33-506(1)

**ADOPTED:** July 23, 1998

**REVIEWED:** January 21, 2016

DELETED

No employee of the school district shall solicit or encourage solicitation of gifts for himself or herself.

While recognizing that action of other individuals or organizations cannot be controlled, it is the intent of the school district to discourage such individuals or organizations from presenting gifts to school employees except in recognition of special occasions or special services rendered to the school or community.

District employees are urged to refuse to accept any gift that would tend to place them or the district in a compromised or embarrassed position.

Teachers are specifically directed not to obligate themselves to give prizes or awards of any intrinsic value to students or accept gifts of consequence from them.



**LEGAL REFERENCE:**

Idaho Code Sections

33-506(1)

18-1351

18-1356

18-1359

18-1360

**ADOPTED:** July 23, 1998

**REVIEWED:** January 21, 2016



*It is against district policy for any school employee to loan district equipment to individuals or organizations unless the loan is a condition of the rental of a school facility.*

*Nothing in this policy prevents the district from loaning equipment to other taxing units or other agencies in emergency situations.*

*The board of trustees reserves the right to waive the above policy based on the merit of the request for use of the equipment.*



**LEGAL REFERENCE:**

Idaho Code Sections

33-506(1) – Organization of Board of Trustees

33-601 – Real and Personal Property

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

*No organization may advertise or distribute flyers or other materials that, in the sole discretion of the Principal/Superintendent: (1) are a disruption to the educational process; (2) defamatory, obscene, vulgar, or indecent; (3) violate the rights or privacy of others; (4) promote products in violation of school policies; (5) conflicts with the Board's mission and policies; (6) endorses a political cause, activity, party or candidate for political office or position; (7) advances or endorses any religious organization; (8) promotes non-district programs or services offered by the \_\_\_\_\_ School District; (9) promotes hostility, disorder, or violence; or (10) adversely affects the School District's reputation or image. No material, literature, or advertisement shall be posted or distributed without advance approval as described in this policy. This policy does not create a public forum for public expression.*

*Solicitation of sales or use of a school name, logo, or likeness of this School District to promote any product or interest is not permitted. No advertising shall be allowed in classrooms or in any other venue where such advertising would be principally directed at students.*

### ***DEFINITIONS***

*For the purposes of this policy, the following definitions apply:*

*"Advertisement" is any statement or visual representation designed to promote sales of a product or service.*

*"Sponsorship" is any statement or visual representation designed to name the organization that provides funding or other support for a particular service, and to display a single contact point, without reference to a product or service.*

### ***COMMERCIAL COMPANIES***

*The distribution of materials or advertising of commercial products or services is not permitted in school buildings or on school grounds or properties unless pre-approved as described in this policy. Commercial companies may purchase space for advertising on or in: (1) athletic, theater, or music programs; (2) athletic fences or scoreboards; (3) student newspapers, yearbooks, or other school publications; or (4) other appropriate locations. Advertisements on athletic fields, scoreboards, or other school property locations require Board approval. Advertisements in athletic, theater, or music programs; student newspapers yearbooks, or other school publications; and any commercial material related to graduation, class pictures, or class rings require Principal/Superintendent approval. Free commercially-sponsored teaching aids may be used if the content of the teaching aids is approved by the building Principal.*

### ***COMMUNITY, EDUCATIONAL, CHARITABLE, OR RECREATIONAL ORGANIZATIONS***

*Community, educational, charitable, recreational, or similar groups may advertise events pertinent to student involvement or is educationally related. All materials or advertisements must: (1) be approved in advance by the Principal/Superintendent; (2) be student oriented; and (3) prominently display the sponsoring organization's name and affiliation. The school reserves*

*the right to decide where and when any advertisement or material is distributed, displayed, or posted.*

**POLITICAL ISSUES OR SPECIAL INTERESTS**

*Materials or advertising related to political issues or special interests will not be allowed on school property without having submitted a written request to and received a written approval from the superintendent of schools in advance of the distribution. Only those groups or organizations that have materials directly related to the curriculum and determined by the superintendent to be educationally related may receive approval for distribution.*



**LEGAL REFERENCE:**

Idaho Code ~~§Section~~ 33-506(1) – Organization of Board of Trustees

*DiLoreto v. Downey Unified Sch. Dist.*, 196 F.3d 958 (9<sup>th</sup> Cir. 1999)

~~*Berger v. Rensselaer Central School Corp.*, 982 F.2d 1160 (7<sup>th</sup> Cir. 1993), cert. denied, 113 S.Ct. 2344 (1993).~~

~~*DiLoreto v. Downey Unified School Dist.*, 196 F.3d 958 (9<sup>th</sup> Cir. 1999).~~

~~*Hedges v. Wauconda Community Unit School Dist., No. 118*, 9 F.3d 5 (7<sup>th</sup> Cir. 1993).~~

*Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 385, 113 S.Ct. 2141 (1993).

~~*Sherman v. Community Consolidated School Dist. 21*, 8 F.3d 1160 (7<sup>th</sup> Cir. 1993), cert. denied, 114 S.Ct. 2109 (1994).~~

~~*Victory Through Jesus Sports Ministry v. Lee's Summit R-7 Sch. Dist.*, 640 F.3d 329 (8<sup>th</sup> Cir. 2011), cert. denied, 132 S.Ct. 592 (2011).~~

**ADOPTED:**

**AMENDED:**

*\*Language in text set forth in italics is optional.*

In accordance with applicable provisions of the Elementary and Secondary Education Act, the district will provide notice to parents of teacher qualifications, testing requirements and language instruction for English learners as set forth in this policy.

### **INFORMATION FOR PARENTS**

At the beginning of each school year, the district administration will notify parents of each student attending a Title I school that the parents may request, and the administration will provide on parental request **and in a timely manner**, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
  2. Whether the teacher is teaching under emergency or other provisional status through which state qualifications for licensing criteria have been waived.
  3. ~~The teacher's baccalaureate degree major~~ Whether the teacher is teaching in the field of discipline of the certification of the teacher.
  4. ~~Any other graduate certificate or degree held by the teacher, and the field of discipline of the certification or degree.~~
- 5.4. Whether the student is provided service by paraprofessionals and, if so, their qualifications.

### **TITLE I SCHOOLS**

Additionally, Title I schools in the district must provide the parent/guardian of each enrolled student the following information in a timely manner:

1. Information on the level of achievement **and academic growth, if applicable and available**, of the parent's child in each of the state academic assessments **required under federal law**.
2. Timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher ~~of a core academic subject who is not highly qualified~~ who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

### **TESTING TRANSPARENCY**

At the beginning of each school year, the district will notify the parents of each student attending a Title I school that the parents may request, and the district will provide the parents on request

in a timely manner, information regarding any state or district policy regarding student participation in any assessments mandated by federal law and by the state or district, which must include a policy, procedure or parental right to opt the child out of such assessment, where applicable.

The district will make widely available through public means (including by posting in a clear and easily accessible manner on the district’s website and, where practicable, on the website of each school served by the district) for each grade served by the district, information on each assessment required by the state to comply with federal law, other assessments required by the state and, where such information is available and feasible to report, assessments required district-wide by the district, consistent with applicable provisions of the Elementary and Secondary Education Act.

**LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS**

For children previously identified as an English learner, not later than thirty (30) days after the beginning of the school year, the district will inform parents of an English learner identified for participation or participating in such a program, of the following:

1. The reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program.
2. The child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement.
3. The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction.
4. How the program in which their child is, or will be, participating will meet the educational strengths and needs of their child.
5. Ho such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
6. The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program).
7. In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child under the Individuals with Disabilities Education Act.
8. Information relating to parental rights that includes written guidance (i) detailing the right that parents have to have their child immediately removed from such program upon their

request; (ii) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and (iii) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

For children who have not been previously identified as an English learner prior to the beginning of the school year but is identified as an English learner during the school year, the district will notify the child’s parents during the first two (2) weeks of the child being placed in a language instruction educational program. Such notification will include the same information set forth above for children previously identified as English learners.

In addition to the notices to parents of English learners required by this policy, the district will implement an effective means of outreach to parents of English learners to inform parents how they can be involved in the education of their children and be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education and meet the challenging state academic standards expected of all students. For purposes of this policy, an effective means of outreach includes noticing opportunities for, and holding, regular meetings with parents of English learners.

**NOTICE REQUIREMENTS**

The district or school will provide the notice and information required in this policy in a uniform and understandable written format, including alternative formats upon request, and, to the extent practicable, in a language that the parents can understand.



**LEGAL REFERENCE:**

~~No Child Left Behind Act, Section 1111(h)(6)~~Elementary and Secondary Education Act of 1965 (Section 1112(e)(1)(B)(ii))

34 CFR ~~§Part~~200.61 – Parents Right to Know

**ADOPTED:**

**AMENDED:**

At the beginning of each school year, the district administration will notify parents of each student attending a Title I school that the parents may request, and the administration will provide on parental request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under emergency or other provisional status through which state qualifications for licensing criteria have been waived.
3. The teacher's baccalaureate degree major.
4. Any other graduate certificate or degree held by the teacher, and the field of discipline of the certification or degree.
5. Whether the student is provided service by paraprofessionals and, if so, their qualifications.

#### **TITLE I SCHOOLS**

Additionally, Title I schools in the district must provide the parent/guardian of each enrolled student the following information in a timely manner:

1. Information on the level of achievement of the parent's child in each of the state academic assessments.
2. Timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher of a core academic subject who is not highly qualified.

#### **NOTICE REQUIREMENTS**

The district or school will provide the notice and information required in this policy in a uniform and understandable written format, including alternative formats upon request, and, to the extent practicable, in a language that the parents can understand.



#### **LEGAL REFERENCE:**

No Child Left Behind Act, Section 1111(h)(6)  
34 CFR Part 200.61

**ADOPTED:** May 15, 2001

**AMENDED:** August 26, 2004

**REVIEWED:** January 21, 2016

It is the policy of this district that military recruiters shall have access to secondary school students, in the same manner and to the same extent as is provided to postsecondary educational institutions and prospective employers.

Except as provided herein, upon request made by military recruiters for military recruiting purposes, the district will provide access to secondary school student names, addresses, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available), and telephone listings, notwithstanding the requirements of the Family Educational Rights and Privacy Act. The district will not release such information if a parent of a high school student, or a student 18 years of age or older, has submitted a request to the district that the student's information not be released.



**LEGAL REFERENCE:**

Elementary and Secondary Education Act (2001)

Family Educational Rights and Privacy Act – 20 U.S.C. §1232g; 34 CFR Part 99

**ADOPTED:**

**AMENDED:**



It is the policy of the \_\_\_\_\_ School District to maintain a safe learning environment. The District has determined that unapproved use of drones poses a safety hazard. The use *or possession* of unmanned aircraft or aerial systems (UAS), also known as drones, is prohibited for any purpose by any person or entity at any District-sponsored event, game, match, tournament, or anywhere in, on or directly above or upon property or premises owned, maintained or used by the District for any purpose, unless otherwise preempted by applicable state or federal law. The District reserves the right to remove or refuse admission to any individual who violates this policy. The District further reserves the right to exclude any individual who violates this policy from future District events. Violators may also be reported to appropriate authorities, including the Federal Aviation Administration (FAA). Students or employees violating this policy shall be subject to formal disciplinary action pursuant to District policies.

## **DEFINITIONS**

As used in this policy, the following definitions apply:

“Unmanned aircraft system (UAS)” means an unmanned aircraft vehicle, drone, remotely piloted vehicle, remotely piloted aircraft or remotely operated aircraft that is a powered aerial vehicle that does not carry a human operator, can fly autonomously or remotely and can be expendable or recoverable.

Unmanned aircraft system does not include:

1. Model flying airplanes or rockets including, but not necessarily limited to, those that are radio controlled or otherwise remotely controlled and that are used purely for sport or recreational purposes;
2. An unmanned aircraft system used in mapping or resource management; and
3. *Unmanned aircraft used by school personnel with prior administrative approval for classroom instruction, grounds, facilities and maintenance, and campus security.*

## **PROCEDURES FOR USE OF DRONES**

An exception to the general rule prohibiting the use of drones may be granted in writing by the Superintendent or designee, in his/her sole discretion. Drone operators shall abide by the following procedures:

All drone operators shall be responsible for complying with **Idaho law and** all FAA safety guidelines and regulations ~~(subject to change)~~, which include, but are not limited to:

- ~~Fly~~ **The aircraft must fly** below 400 feet and remain clear of surrounding obstacles.
- **The operator of the UAS must m**~~M~~aintain visual line of sight with aircraft at all times.
- **The operator must ensure the UAS r**~~R~~emains clear of and **does** not interfere with manned aircraft operations.

- ~~Do not fly within five (5) miles of an airport unless the airport and control tower have been notified in advance~~ Operation of UAS in prohibited or restricted areas (e.g. airspace or within the area of operation of airports) is prohibited unless the operator has permission to operate.
- ~~Do not fly above or near people or stadiums~~ Operation of UAS over persons is prohibited unless such person is directly participating in the operation of the aircraft or is located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling aircraft.
- ~~Do not fly an UAS aircraft that weighs~~ weighing more than 55 lbs. (including everything that is on board or otherwise attached to the aircraft “payload”) is prohibited.
- ~~Do not be careless or reckless with aircraft~~ No person may operate UAS in a careless or reckless manner so as to endanger the life or property of another.
- No person may allow an object to be dropped from UAS in a manner that creates an undue hazard to persons or property.
- Operation of UAS at night on district property is prohibited.
- Use of UAS to conduct surveillance of, or to audio or visually record, people or property is prohibited, unless consent to do so has first been obtained.

### **Classroom**

The District understands that drones may have some educational value in the classroom setting. A teacher wishing to use/demonstrate drone technology in a classroom-related setting must adhere to the following requirements:

1. A clear and articulable connection between drone technology and the course curriculum must exist;
2. Only the teacher, or appropriately trained and licensed designee, shall be permitted to use/demonstrate drone technology on school grounds;
3. No student-owned drones are permitted;
4. Drones must be equipped with blade guards;
5. Eye protection is required for the drone operator and audience;
6. All drones must be checked in at the main office and remain in a locked location when not in use;
7. Drones shall not be operated indoors.;

### **Private/Commercial**

*Private or commercial individuals/entities shall be required to adhere to the following procedures and requirements:*

1. *Requests must be made at least \_\_ hours in advance;*
2. *Sign a contract and release of liability with the District;*
3. *Provide proof of Certificate of Authorization (COA)—or the necessary ~~333~~ exemption—as issued by the FAA, when required;*
4. *Provide proof of Certificate of Liability Insurance for a minimum of \$1,000,000 that names the \_\_\_\_\_ School District as an additional insure;*
5. *All photos/videos taken will become the property of the District;*

6. All operators shall be required to comply with all applicable local, state, and federal laws.



**LEGAL REFERENCE:**

Idaho Code Sections

-33-506(1) – Organization of Board of Trustees

~~Idaho Code Section~~ 21-213 – Restrictions on Use of Unmanned Aircraft Systems

~~FAA press release from 2/15/15, “DOT and FAA Propose New rules for Small Unmanned Aircraft Systems”~~ 14 CFR Part 107

**ADOPTED:**

**AMENDED:**